

EMPLOYMENT

**Agreement Between the
UNITED STATES OF AMERICA
and CHAD**

Effected by Exchange of Notes at
N'Djamena April 19, 1991 and June 23, 1992



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CHAD

Employment

*Agreement effected by exchange of notes at
N'Djamena April 19, 1991 and
June 23, 1992;
Entered into force June 23, 1992.*

DEPARTMENT OF STATE
OFFICE OF LANGUAGE SERVICES

Translating Division

LS No. 139239
ML/JF
French

Embassy of the United States of America

Note No. 043

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Chad and has the honor to propose to the Government of Chad, on a reciprocal basis, that dependents of employees of the Government of the United States assigned to official duty in Chad and dependents of employees of the Government of Chad assigned to official duty in the United States be authorized to work in the host country.

Under this agreement, the term dependents means:

Spouses;

Unmarried dependent children under 21 years of age;

Unmarried dependent children under 23 years of age who are full-time students at a post-secondary educational institution;

and

Embassy of the United States of America.

Unmarried children with a physical or mental disability.

Under this agreement, it is understood that the term "employees assigned to official duty" means diplomatic agents, consular officers, and members of the support staff assigned to diplomatic missions, consular offices, and international organizations.

With respect to dependents who seek employment in the United States, an official request must be sent by the Embassy of Chad at Washington to the Office of Protocol at the Department of State. Upon verification that the person is a dependent of an official employee of the Chadian Government, said Government will be informed by the United States Government that the dependent is authorized to accept the employment.

With respect to dependents who seek employment in Chad, the request must be sent by the United States Embassy at N'Djamena to the Ministry of Foreign Affairs of Chad which, upon verification, must then inform the United States Embassy that the dependent may accept the employment.

The Governments of the United States and Chad wish to clarify their understanding that dependents who obtain employment under this agreement and who enjoy immunity from the

jurisdiction of the host country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations, or in accordance with the privileges and immunities of the United Nations, or any other applicable international agreement, shall not enjoy immunity from civil and administrative jurisdiction in matters arising from such employment.

Such dependents shall also be liable for the payment of income and social security taxes on any remuneration they receive for employment in the host country.

Moreover, the Department of State proposes that if these provisions are acceptable to the Government of Chad, this note, together with the response of the Government of Chad accepting said provisions, constitute an agreement between the two parties and enter into force on the date indicated above. The agreement shall remain in effect 90 days following written notification by one government to the other of its intention to terminate it.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its very high consideration.

N'Djaména, April 19, 1997

[Initialed]

[Ministry stamp]



DEPARTMENT OF STATE
OFFICE OF LANGUAGE SERVICES

Translating Division

LS No. 139018
JF
French

Republic of Chad

Ministry of Foreign Affairs
State Secretariat
Bureau of Legal Affairs, Documents, and Files

No. 2771/MAE/SE/DG/0515.DAJDA

The Ministry of Foreign Affairs of the Republic of Chad presents its compliments to the Embassy of the United States of America and, with reference to its notes verbales Nos. 043 and 73 dated April 19, 1991 and April 10, 1992, has the honor to inform it that the Government of the Republic of Chad accepts the provisions of the agreement contained in note verbale No. 043, proposed by the Government of the United States of America, whereby dependents of United States Government employees assigned to official duty in Chad and dependents of Chadian employees assigned to official duty in the United States shall be authorized to work in the host country.

Embassy of the United States
of America,
N'Djamena.

139018
I certify that the Office of Language Services of the Department of State and that it is a correct translation to the best of my knowledge and belief.

Dated: August 5, 1992 *Piero L. L...*
Chief, Translating Division

Under this agreement, the term "dependent" means spouses; unmarried dependent children under 21 years of age; unmarried dependent children under 23 years of age who are full-time students at a post-secondary educational institution; and unmarried children with a physical or mental disability.

Under this agreement, it is understood that the term "employees assigned to official duty" means diplomatic agents, consular officers, and members of the support staff assigned to diplomatic missions, consular offices, and international organizations.

With respect to dependents who seek employment in the United States, an official request must be sent by the Embassy of Chad at Washington to the Office of Protocol at the Department of State. Upon verification that the person is a dependent of an official employee of the Chadian Government, the Government of Chad will be informed by the United States Government that the dependent is authorized to accept the employment.

With respect to dependents who seek employment in Chad, the request must be sent by the United States Embassy at N'Djamena to the Ministry of Foreign Affairs of Chad which, upon verification, must then inform the United States Embassy that the dependent may accept the employment.

The Governments of the United States and Chad wish to clarify their understanding that dependents who obtain employment under this agreement and who enjoy immunity from the jurisdiction of the host country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations, or in accordance with the privileges and immunities of the United Nations, or any other applicable international agreement, shall not enjoy immunity from civil and administrative jurisdiction in matters arising from such employment.

Such dependents shall also be liable for the payment of income and social security taxes on any remuneration they receive for employment in the host country.

This note, together with the notes exchanged between the American and Chadian Governments, particularly note No. 043 of April 19, 1991, constitutes an agreement between the two parties and shall enter into force on the date indicated above.

The agreement shall remain in effect 90 days following written notification by one government to the other of its intention to terminate it.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its very high consideration.

June 23, 1992

[Initialed]

[Ministry stamp]

MINISTERE DES AFFAIRES ETRANGERES

SECRETARIAT D'ETAT

DIRECTION GENERALE

N'Djaména, le

DIRECTION DES AFFAIRES JURIDIQUES,
DE LA DOCUMENTATION ET DES ARCHIVES

N° 2771 /MAE/SE/DG/0515.DAJDA

Le Ministère des Affaires Etrangères de la République du Tchad présente ses compliments à l'Ambassade des Etats-Unis d'Amérique et, se référant à ses notes verbales N° 043 et 73 en date du 19 avril 1991 et du 10 avril 1992, a l'honneur de porter à sa connaissance que le Gouvernement de la République du Tchad accepte les dispositions de l'accord contenues dans la note verbale N° 043 et proposées par le Gouvernement des Etats-Unis d'Amérique, aux termes desquelles, les dépendants des fonctionnaires du Gouvernement des Etats-Unis affectés à une mission officielle au Tchad et les dépendants des fonctionnaires du Tchad affectés à une mission officielle aux Etats-Unis seront autorisés à être employés dans le pays hôte.

Au sens du présent accord, le terme dépendants désigne :

- les conjoints;
- les enfants dépendants non mariés âgés de moins de 21 ans;
- les enfants dépendants non mariés âgés de moins de 23 ans et qui fréquentent, à plein-temps, au titre d'étudiants, une institution éducative post-secondaire; et
- les enfants non mariés ayant une incapacité physique ou mentale.

Au sens du présent accord, il est entendu que le terme fonctionnaires affectés à une mission officielle désigne les agents diplomatiques, les fonctionnaires consulaires, les membres du personnel d'appui affectés dans les missions diplomatiques, Bureaux consulaires et organisations internationales.

Dans le cas des dépendants qui cherchent l'emploi aux Etats-Unis, une demande officielle doit être adressée par l'Ambassade du Tchad à Washington au Bureau du Protocole au Département d'Etat. Après avoir vérifié que la personne est un dépendant d'un fonctionnaire officiel du Gouvernement du Tchad, le Gouvernement du Tchad sera informé par le Gouvernement des Etats-Unis que le dépendant a la permission d'accepter l'emploi.

Dans le cas des dépendants qui cherchent l'emploi au Tchad, la demande doit être adressée par l'Ambassade

des Etats-Unis à N'djamena au Ministère des Affaires Etrangères du Tchad qui, après vérification, doit alors informer l'Ambassade des Etats-Unis que le Dépendant peut accepter l'emploi.

Le Gouvernement des Etats-Unis et le Gouvernement du Tchad désirent clarifier leur compréhension que les dépendants qui obtiennent d'emploi aux termes du présent accord et qui ont l'immunité à l'égard de la juridiction du pays hôte conformément à l'Article 31 de la convention de Vienne sur les Relations Diplomatiques ou conformément aux privilèges et immunités des Nations-Unies, ou tout autre accord international s'y appliquant, ne disposent pas, pour des affaires issues d'un tel emploi, d'immunité à l'égard de la juridiction civile et administrative.

De tels dépendants sont également redevables pour le paiement des taxes sur le revenu et la sécurité sociale sur toute rémunération reçue en compensation de l'emploi exercé dans le pays hôte.

La présente note constitue, avec les notes échangées entre les Gouvernements américain et tchadien, notamment la note verbale N° 043 du 19 avril 1991, un accord entre les deux parties et entre en vigueur à partir de la date ci-dessus indiquée.

L'accord devra rester en vigueur quatre vingt dix jours après notification écrite par l'un des Gouvernements à l'autre de son intention de l'annuler.

Le Ministère des Affaires Etrangères saisit cette occasion pour renouveler à l'Ambassade des Etats-Unis d'Amérique les assurances de sa très haute considération.



23 JUIN 1992